



Grenada

Country Reports on Human Rights Practices - [2002](#)

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Grenada is a parliamentary democracy, with a Governor General as titular Head of State. In the 1999 parliamentary elections, Prime Minister Keith Mitchell's New National Party (NNP) won all 15 seats and formed a new government. Subsequently, one Member of Parliament left the NNP and became the sole opposition member. The elections were conducted openly and fairly and were free of violence. The Constitution provides for an independent judiciary.

The 800-member Royal Grenada Police Force was responsible for maintaining law and order. It was controlled by and responsive to civilian authorities. There were occasional allegations of abuse by the police.

The free-market economy was based on agriculture and tourism. Grenada and 2 smaller islands, Carriacou and Petit Martinique, had a population of approximately 103,000. The projected annual real economic growth rate was 0.6 percent, compared with an estimated -3.4 percent in 2001.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. There were allegations of police brutality. Violence against women was common, and more women reported incidents of abuse and sought help from various support systems. Child abuse remained a significant problem, and in October 2001 the Social Services Ministry established a special hot line to handle complaints of abuse. Grenada was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reported incidents of torture. Flogging, a legal form of punishment, was rare but has been used as punishment for sex crimes and theft cases.

There were several reports of alleged police brutality. In mid-August the Nutmeg Association farmers led a march in the streets of St. George's to protest the Government's decision to support a private company, which offered farmers a higher price for their nutmeg than that which traditionally was offered by the Nutmeg Association. A police officer allegedly manhandled a woman during the demonstration. The Police Commissioner publicly requested anyone who had been treated brutally to report the incident to the Criminal Investigation Department, but no one came forward. As a result, the matter was dropped.

The media reported a second case in which three college students threatened legal action against members of the Royal

Grenada Police Force for alleged police brutality. The police allegedly accused the boys of being members of the "Ginger Crew Gang," a group of teenage boys who were involved in the forced entry and disturbance of social functions, where they fought with the patrons. The three students asserted that they became victims of severe police brutality and retained a lawyer to press their case.

Allegations of police brutality were investigated internally by the police. The Police Commissioner could discipline officers in valid cases of brutality with penalties that may include dismissal from the force. The Police Commissioner continued to speak out strongly against police use of unlawful force.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile

The law provides the police with the right to detain persons on suspicion without a warrant, but they must bring formal charges within 48 hours. The police generally adhered to this time limit in practice. If the police do not charge a detainee within 48 hours, they must release the person.

The law provides for a judicial determination of the legality of detention within 15 days after arrest on a criminal charge. The police must formally arraign or release a detained person within 60 days, and the authorities generally followed these procedures. There was a functioning system of bail, although persons charged with capital offenses were not eligible. Persons charged with treason may be accorded bail only upon the recommendation of the Governor General.

The Constitution does not address exile, but the Government did not use it.

e. Denial of Fair Public Trial

The judiciary, a part of the Eastern Caribbean legal system, was generally independent. Final appeal may be made to the Privy Council in the United Kingdom. Those arrested on criminal charges are brought before a judge to determine whether there is sufficient evidence to substantiate the charges; if there is, the judge remands the defendant for trial.

The law provides for the right to a fair public trial, and the authorities generally observed this right in practice. There is a presumption of innocence, and the law protects persons against self-incrimination and requires the police to explain a person's rights upon arrest. The accused has the right to remain silent and to seek the advice of legal counsel. A defense lawyer has the right to be present during interrogation and may advise the accused how to respond or not to respond to questions. The accused has the right to confront his accuser.

The court appointed attorneys for indigents only in cases of murder or other capital crimes. In other criminal cases that reached the appellate stage, the court appointed a lawyer to represent the accused if the defendant was not represented previously or reappointed earlier counsel if the appellant no longer could afford that lawyer's services. Due to the backlog of cases caused by a shortage of judges and facilities, those charged with serious offenses must wait from 6 months to 1 year before coming to trial in the High Court. With the exception of persons charged with murder and foreign-born drug suspects, the courts granted most defendants bail while awaiting trial.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, and the authorities generally respected these prohibitions. The law generally requires judicially issued warrants for searching homes, except in cases of hot pursuit. The law contains other exceptions that give the police and security units legal authority to search persons and property without warrants in certain circumstances. In practice police obtained warrants in the majority of cases before conducting any search.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. There were three weekly newspapers, and several other newspapers published irregularly. One of the weeklies was affiliated with an opposition political party, but the three most widely circulated newspapers were independent and often critical of the Government. The newspapers routinely carried press releases by the opposition parties, including regular weekly columns expressing the opposition parties' views.

There were 10 radio stations. The main station was part of the Grenadian Broadcasting Network (GBN), a privately owned

organization in which the Government held a minority share. The principal television station was also part of the GBN, and there was a privately owned television station. A cable television company operated in most areas of the country. All newspapers, radio, and television stations enjoyed independence from the State and regularly reported opposition views. The television news often carried reports on opposition activities, including coverage of political rallies held by various political parties and candidates, public forums featuring political leaders of each of the major parties, and other public service broadcasts.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assemble for any peaceful purpose and for the right of association, and the Government generally respected these rights in practice. Supporters of political parties met frequently and held public rallies; the authorities require permits for the use of a public address system but not for public meetings themselves.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement within the country, and all citizens had the right to enter and leave the country, except in special circumstances as outlined in and limited by the 1986 Act to Restrict the Freedom of Movement of Certain Persons. This law allows the Minister for National Security to restrict travel out of the country by any person whose aims, tendencies, or objectives include the overthrow of the democratic and parliamentary system of government; it has not been invoked in the past few years. Anyone so restricted may appeal after 3 months to an independent and impartial tribunal. The Chief Justice appoints an accredited lawyer to preside over such a tribunal.

No formal government policy toward refugee or asylum requests existed. The issue of provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. General elections must be held every 5 years; in January 1999, Prime Minister Keith C. Mitchell's NNP was returned to office, securing all 15 seats in Parliament. In 2000 a Member of Parliament changed party affiliation to become the single elected opposition member, leaving the NNP with a majority of 14 seats.

There were no legal or other impediments to the participation by women in government or politics. Four of the 15 elected Members of Parliament were women; there was 1 woman among the 13 appointed Senators. Women filled 10 of the 15 permanent secretary posts, the highest civil service position in each ministry.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Local human rights groups generally operated without government restriction, and the Government cooperated with visits from international human rights organizations.

In September 2001, the Government inaugurated a Truth and Reconciliation Commission to investigate the period between the mid-1970s and the late 1980s. The commission's terms of reference specify the objective of recommending "general amnesty to certain persons who in the opinion of the commission have given truthful information during the hearing of evidence." The commission was expected to review the convictions of former Deputy Prime Minister Bernard Coard and other leaders of the former People's Revolutionary Government for their roles in the 1983 assassination of former Prime Minister Maurice Bishop and his cabinet colleagues. In 1986 a court convicted Coard and 18 other revolutionary leaders of murder and sentenced them to death; subsequently, 2 were pardoned, and the sentences of the remaining 17 were commuted to life in prison. Of these, one person was granted parole to undergo medical treatment overseas.

The 16 prisoners retained a lawyer from Trinidad who filed a constitutional motion on their behalf. In February a high court judge ruled that three should be released; the Government appealed, and in November the Eastern Caribbean Court of Appeal overturned the High Court's decision. The Truth and Reconciliation Commission held many meetings but had not presented its

final report to the Government by year's end.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, place of origin, political opinion, color, creed, or sex, and the Government generally adhered to these provisions.

Women

Women's rights monitors believed that violence against women remained a serious problem, and there was a notable increase in reports of incidents of violence during the year. Some observers believed that there was a new willingness by women to report abuse and seek assistance after Parliament enacted a bill aimed at combating domestic violence in May 2001. It provides for penalties including jail sentences, fines, and community service and also includes provisions for issuance of restraining orders. The police stated that most cases of abuse were not reported, and others were settled out of court. The law stipulates a sentence of 15 years' imprisonment for a conviction of any nonconsensual form of sex. Sentences for assault against a spouse varied according to the severity of the incident. There was a shelter for battered and abused women and their children in the northern part of the island, with medical and psychological counseling personnel on its staff. The home accommodates 20 persons.

Prostitution is illegal.

Sexual harassment in the workplace was a problem.

There was no evidence of official discrimination in health care, employment, or education. Women frequently earned less than men performing the same work; such wage differences were less marked for the more highly paid jobs.

Children

The Social Welfare Division within the Ministry of Housing, Social Services, and Cooperatives provided probationary and rehabilitative services to youths, day care services and social work programs to families, assistance to families wishing to adopt or provide foster care to children, and financial assistance to the six children's homes run by private organizations.

Education is compulsory until the age of 16.

Government social service agencies reported a further increase in the number of child abuse cases, including sexual abuse. Abused children were placed either in a government-run home or in private foster homes. The law provides for harsh penalties against those convicted of child abuse and disallows the victim's alleged "consent" as a defense in cases of incest. There were three convictions for such offenses during the year, with abusers sentenced to a maximum of 15 years in prison. In January Parliament passed a Child Protection Act. In October the Social Services Ministry established a child abuse hot line; it received an average of six calls per day. Women's organizations and other nongovernmental groups increased their public awareness efforts to recognize and combat sexual abuse of women and children.

Persons with Disabilities

The law does not protect job seekers with disabilities from discrimination in employment, nor does it mandate provision of accessibility to public buildings or services. The National Council for the Disabled and the National Children's Home assisted the Government in placing students with disabilities into community schools. The Council also sought assistance from architects and builders in the construction of ramps at hotels and public buildings, and ramps were installed at some hotels and government buildings.

Section 6 Worker Rights

a. The Right of Association

All workers were free to organize independent labor unions. Although employers were not legally obliged to recognize a union formed by their employees, they generally did so in practice. Labor Ministry officials estimated that 25 percent of the work force was unionized, a decline reflecting loss of jobs during the year. Union leaders played a significant role in the political process, and one labor leader served in the Senate on behalf of the Grenada Trades Union Council (GTUC).

The law prohibits discrimination by employers against union members and organizers. Mechanisms exist to resolve complaints of discrimination. After all avenues for resolving a complaint have been exhausted between union representatives and employers, both sides may agree to ask for the assistance of the Labor Commissioner. If the Labor Commissioner is unable to find a resolution to the impasse, the Minister of Labor intervenes and, if unable to reach an agreement, may appoint an

arbitration tribunal if both parties agree to abide by its ruling. The law requires employers who are found guilty of antiunion discrimination to rehire dismissed employees, but in most cases the employee accepts the option of compensation. There were no cases of antiunion discrimination reported to the Ministry during the year.

All unions were technically free of government control, and none received government financial support. However, all of the major unions belong to one umbrella labor federation, the GTUC, which was subsidized by the Government. The GTUC held annual conventions and determined some policies for member unions.

The GTUC and its unions freely affiliated with regional and international trade union groups.

b. The Right to Organize and Bargain Collectively

Workers were free to organize and to participate in collective bargaining. The law requires employers to recognize a union that represents the majority of workers in a particular business.

Workers in the private and public sectors were free to strike, once legal and procedural requirements were met. There were several strikes or other types of industrial action during the year, including those by workers at the Nutmeg Association, the Grenada Sugar Factory, and the airport. All were short-lived and were settled with the intervention of the Labor Commissioner, the Minister of Labor, and the respective unions.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution specifically prohibits forced or bonded labor, including by children, and it was not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment

Child labor is illegal; however, children sometimes worked in the agricultural sector. The statutory minimum age for employment of children is 18 years. Inspectors from the Ministry of Labor enforced this provision in the formal sector by periodic checks; however, enforcement efforts in the informal sector were lax. The Government has endorsed but not yet ratified the International Labor Organization's Convention 182 on elimination of the worst forms of child labor.

e. Acceptable Conditions of Work

For the first time, the Government established a tripartite Wages Advisory Committee, composed of union, business, and government representatives. The Labor Ministry prescribed minimum wages, which took effect in September. Minimum wages were set for various categories of workers; for example, agricultural workers were classified into male and female workers. Rates for men were \$1.85 (EC\$5.00) per hour, and for women \$1.75 (EC\$4.75) per hour; however, if a female worker performed the same task as a man, her rate of pay was the same. All agricultural workers must be paid for a minimum of 5 hours per day. The minimum wage for domestic workers was set at \$148.14 (EC\$400) monthly. The minimum wage was not sufficient to provide a decent standard of living for a worker and family. Most workers, including nonunionized workers, received packages of benefits from employers set by collective bargaining agreements between employers and labor unions. Many families received remittances from relatives abroad and also helped support themselves through garden-plot agriculture.

The Constitution stipulates that the maximum number of hours per week workers may work is 40. The law does not prescribe a standard workweek, except for the public sector, which is expected to work a 40-hour week Monday through Friday. The normal workweek in the commercial sector included Saturday morning work but did not exceed 40 hours.

The Government sets health and safety standards, but the authorities enforced them unevenly. Workers can remove themselves from dangerous workplace situations without jeopardy to continued employment.

f. Trafficking in Persons

There were no laws that specifically address trafficking in persons. There were no reports that persons were trafficked to, from, or within the country during the year.